



Attorney's Docket No.: 03058-004002

#29/Response
Hewlett
4-12-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel H. Abelow
Serial No. : 09/369,391
Filed : August 6, 1999
Title : CUSTOMER-BASED PRODUCT DESIGN MODULE
Art Unit : 3629
Examiner : Thomas Dixon

BOX AF

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ACTION DATED DECEMBER 19, 2002

The applicant thanks the examiner for the telephone conference of January 15, 2003. The applicant's remarks are preceded by the examiner's comments in small bold type.

4. Claims 48, 51-60, 66-68, 73, 75-77, 80, 82-83, 85-87, 97-101, 105-106, 108-109, 111-113 are rejected under 35 U.S.C. 102(e) as being anticipated by Orr, Join the information economy in view of Taylor (5,812,965).

As per Claim 48.

Orr does not disclose a trigger that represents an occurrence associated with use of the product, service, software or information.

Taylor ('965) teaches a postage meter which monitors the use of the meter for fraudulent use, records and reports it, see column 2, lines 1-67, for the benefit of fraud detection.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Orr to include the usage triggers taught by Taylor ('965) for the benefit of detecting fraud in the generation of opinions regarding products, i.e. if the product was not purchased, a comment cannot be added.

(emphasis added)

There is no motivation to combine Taylor and Orr. Taylor describes sending information about tampering of a postal meter to a central station (see column 2, lines 33-39 of Taylor), Taylor does not suggest using information about tampering to trigger the distribution of stored value information. The examiner explains that the combination of Taylor and Orr suggests that

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the tampering information could be used to reject comments from users. This would not be a motivation to use the tampering information as a trigger to distribute value information since rejecting comments does not amount to distributing information. Thus, Taylor cannot remedy Orr's failure to disclose distribution of stored value information in response to a trigger that represents an occurrence associated with use of a product, service, software, or information from a client system.

Orr also does not disclose at least one limitation of each of claims 67, 76, 86, 98, and 99. The examiner again cites Taylor to supply limitations not disclosed by Orr. Without conceding that Taylor discloses such missing limitations, there is no motivation to combine Taylor and Orr for the reasons discussed above.

The applicant does not concede any positions of the examiner that are not expressly addressed above, nor does the applicant concede that there are not other good reasons for patentability of the presented claims or other claims.

Applicant asks that all claims be allowed. Enclosed is a One-Month Petition for Extension of Time and a check for the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 03058-004002.

Respectfully submitted,

Date: _____

3/31/3



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